

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID EUGENE BAILEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:11CV404 CEJ
	)	
UNKNOWN ATTERBERRY	)	
and JOHN DOE,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

Before the Court are various motions filed by plaintiff relating to service on defendants, as well as a notice from Correctional Medical Services regarding a non-waiver of service of process with respect to defendant Atterberry. Also before the Court is plaintiff's motion for appointment of counsel.

Correctional Medical Services (CMS) states that defendant Elizabeth Atterberry is no longer its employee. Accordingly, CMS refuses to waive service of process with respect to this defendant. Because plaintiff is proceeding in forma pauperis, the Court must effectuate service on his behalf. It is nevertheless plaintiff's responsibility to provide the Court with addresses at which defendants may be served. Plaintiff is also responsible for providing the proper name and service address of the

John Doe defendant, as he was previously directed to do. See Memorandum and Order issued on May 18, 2011.<sup>1</sup>

Plaintiff seeks an order to compel the Missouri Department of Corrections (DOC) to provide him with information relating to John Doe's identity.<sup>2</sup> The Court will deny plaintiff's request. The DOC is not a party to this action, and the Court refuses to compel it, in this instance, to provide plaintiff the information he requests. Plaintiff states that he will be released from custody on August 26, 2011. As such, he will then be able to avail himself of other methods of discovering defendant John Doe's address.

Given the circumstances noted above, the plaintiff's request for an extension of time to provide service information for defendants will be granted. Plaintiff will be allowed until October 26, 2011 to provide the Court with the identity of John Doe defendant, as well as the addresses at which he and defendant Atterberry may be

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<sup>1</sup>Plaintiff was given sixty days from May 18, 2011 to provide the Court with the proper name and address of defendant John Doe so that service could be effectuated. Plaintiff has filed two motions for extension of time to provide this information, citing difficulty with uncovering defendant John Doe's proper name.

<sup>2</sup>Plaintiff seeks to add Dan Reddington, the Deputy Warden at Fulton Prison, as a defendant in this action simply because he failed to respond to plaintiff's requests for a copy of the guard roster in Housing Unit #1. The Court will deny plaintiff's request as these allegations fail to state a claim upon which relief may be granted.

served. Plaintiff's failure to provide this information by the deadline will result in a dismissal of this action, without prejudice, pursuant to Fed.R.Civ.P. 41. Plaintiff is warned that he will not be given any additional extensions of time relating to service of process in this action without good cause being shown.

Lastly, the Court will deny plaintiff's motion for appointment of counsel. The Court does not believe that the issues in this case are so complex as to justify the appointment of counsel at this time. Moreover, as plaintiff will soon be released from the DOC, he will have a greater ability to investigate and present the facts related to his allegations.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motions for extension of time to provide service information for defendants [Doc. #12 and #15] are **GRANTED IN PART**.


**IT IS FURTHER ORDERED** that plaintiff must provide the Court with the true name of the John Doe defendant, as well as the addresses at which that defendant and defendant Atterberry may be served, no later than **October 26, 2011**.

**IT IS FURTHER ORDERED** that plaintiff's request to amend his complaint to add Dan Reddington as a defendant in this action is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff's motion to compel the Missouri Department of Corrections to provide him with defendant John Doe's true name and address is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for appointment of counsel [Doc. #16] is **DENIED**.

Dated this 26th day of July, 2011.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE